

U.S. Application No. 10/578,851 -- 5

REMARKS

Claims 11 – 20 remain in this application. Claim 11 has been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

Claim 11 has been amended to delete the recitation “means for regulating the velocity, quantity, and/or temperature of the air mixed in the cell in such way that the velocity, quantity, and temperature of the air mixed in the cell are as desired in contact with the separator, said means including a temperature sensor arranged in the cell in connection with the separator as well as a heat exchanger, a motor, and a damper arranged in connection with the intake-air connection for regulating the velocity, quantity, and/or temperature of the intake air, and the heat exchanger, the motor, and the damper are connected to the temperature sensor for controlling them” and to replace it with the recitation --means for regulating the velocity, quantity, and/or temperature of the intake air as desired in the cell--. Support for this amendment can be found in paragraphs [0021], [0022] and [0023] of the application publication (U.S. Patent Application Pub. No. 2007/0084459) as well as the drawings.

In the Office Action, claims 11 – 20 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

While the drawings show pre-separator 30 in the hood 10, the disclosure states that the grease may be separated only by using a separator fitted to the cell. (See paragraph [0020] of the application publication). Further, reference numeral 30 in the present application is a pre-separator which the specification indicates is for removing large particles from the exhaust air and not a separator for grease. (See paragraph [0023] of the application publication). The optional pre-separator 30 cannot separate grease due to the high temperature therein. Even if some grease sticks to the pre-separator, it vaporizes away.

For these reasons, applicant submits that claim 11 complies with the enablement requirement. Further, it appears that claims 12 – 20 were rejected solely due to their

U.S. Application No. 10/578,851 -- 6

dependency from claim 11. Accordingly, applicant respectfully requests that the Section 112, first paragraph rejection of claims 11 – 20 be withdrawn.

Claims 11 – 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 11, the claim has been amended to recite “at least one” hood throughout, as required by the Office Action. Further, the Office Action’s understanding that the hood does not include any of the recited elements (a sensor, a damper, a water bath, a heat exchanger, a separator for grease) is correct. For clarification, claim 11 has been amended to recite that the hood does not include “any of” the recited elements.

For these reasons, applicant submits that amended claim 11 is definite. Further, it appears that claims 12 – 20 were rejected solely due to their dependency from claim 11. Accordingly, applicant respectfully requests that the Section 112, second paragraph rejection of claims 11 – 20 be withdrawn.

Claims 11 – 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hepner (U.S. Patent No. 4,235,220) in view of Molitor (U.S. Patent No. 4,407,266) and Fritz et al. (U.S. Patent No. 4,484,563, hereinafter “Fritz”). Applicant respectfully traverses this rejection.

With respect to independent claim 11, applicant maintains all of its previous arguments with respect to the patentability of the claims over any possible combination of Molitor, Hepner, and Fritz.

Further, Hepner does not disclose or fairly suggest the claimed feature of “a cell having a first connection connected to the second end of the exhaust-air duct and an exhaust connection connected to the exhaust-air duct of the ventilation system that does not lead exhaust-air back to the kitchen appliance,” as claim 11 requires. In all of the embodiments of Hepner, the exhaust air is circulated back to the same room where the kitchen appliance is located, thus leading the air back to the kitchen appliance. FIG. 4 of Hepner shows a venting shroud 82 and a duct 82 to the outside, but the duct 82 only leads by-products from heating.

U.S. Application No. 10/578,851 -- 7

Furthermore, FIGS. 1 and 2 of Hepner show the prior art that Hepner attempts to avoid. In this regard, Hepner seeks to avoid using a vent conduit 26 through an exterior wall 28. Thus, one of ordinary skill in the art would never try to combine Hepner with Molitor, because Molitor would lead Hepner back to the prior art having a vent conduit 89 through an exterior wall (roof 88) (see FIG. 10 of Molitor). The same also applies to Fritz, which discloses a vent conduit 30 through an exterior wall 28 (roof) (see FIG. 1).

Moreover, the Office Action takes the position that only the elements of "controlling the temperature of the exhaust air" and "a separate grease cup to collect the grease from the filter" are missing from Hepner. In this regard, Molitor uses a series of heat exchangers H and a discharge box B for discharge of a portion of makeup air into the room along the ceiling (see column 4, lines 47 – 61). However, this feature is not available if Molitor is combined with Hepner.

Additionally, one of ordinary skill in the art would not try to modify the Hepner apparatus to use the temperature control system as disclosed by Molitor, because Molitor controls incoming air to the discharge duct inversely in accordance with the temperature of the heated air and the products of cooking. In contrast, in the presently claimed invention, an intake-air connection ("incoming air") for cooling the separator (for grease) is present, thus controlling of the intake-air is direct and not inverse in relation to the temperature of the exhaust air. Also, due to a complex water bath W, the temperature control of Molitor differs greatly from that of the presently claimed invention.

Therefore, one of ordinary skill in the art would not have combined Hepner with Molitor and Fritz to obtain the presently claimed invention. Further, no possible combination of Hepner with Molitor and Fritz would result in the presently claimed invention.

For all of these reasons, independent claim 11 is patentable over any possible combination of Hepner, Molitor, and Fritz. Claims 12 – 20, depending from claim 11, are also patentable over Hepner, Molitor, and Fritz. Accordingly, applicant respectfully requests that the Section 103(a) rejection of claims 11 – 20 as being unpatentable over Hepner in view of Molitor and Fritz be withdrawn.

U.S. Application No. 10/578,851 -- 8

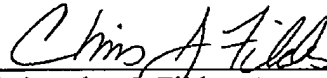
This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

A Petition For A One-Month Extension Of Time and a PTO-2038 authorizing payment in the amount of \$75.00 to cover the fee under 37 CFR 1.17(a)(1) are included with this response.

Respectfully submitted,

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